1741

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November 15, 2002

CERTIFICATE OF MAILING
37 C.F.R 1.8

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November 15, 2002 — Michael C. Barrett
Date — Michael C. Barrett

BOX DD
Commissioner for Patents
Washington, DC 20231

RE: *U.S. Patent Application No. 09/883,110 entitled "SYSTEMS AND METHODS FOR CELL SUBPOPULATION ANALYSIS" – Peter R.C. Gascoyne et al.*
Our reference: UTSC:656US
Client reference: MDA00-036

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references (A1-A27, B1-B21, C1-C73).

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:656US.

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Respectfully submitted,

Michael C. Barrett
Reg. No. 44,523

MCB/cmb
Encl: as noted
25231662.1

D. Gascoyne #5

PATENT

11.22.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Peter R.C. Gascoyne *et al.*

Serial No.: 09/883,110

Filed: June 14, 2001

For: SYSTEMS AND METHODS FOR CELL SUBPOPULATION ANALYSIS

Group Art Unit: 1743

Examiner: Unknown

Atty. Dkt. No.: UTSC:656US

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Michael C. Barrett — Michael C. Barrett

INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:656US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Michael C. Barrett

Michael C. Barrett
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Attorney for Applicants

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Date: November 15, 2002

Form PTO-1449 (modified)	Atty. Docket No. UTSC:656US	Serial No. 09/883,110
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant Peter R. C. Gascoyne *et al.*	
	Filing Date: June 14, 2001	Group: 1741

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 2*	*See Page 3*

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Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
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	A2	4,326,934	4/27/82	Pohl	204	180	12/31/79
	A3	4,440,638	4/3/84	Judy *et al.*	210	198.2	2/16/82
	A4	5,344,535	9/6/94	Betts *et al.*	204	183.1	4/27/93
	A5	5,454,472	10/3/95	Benecke *et al.*	209	127.1	8/19/92
	A6	5,489,506	2/6/96	Crane	435	2	2/16/95
	A7	5,569,367	10/29/96	Betts *et al.*	204	547	1/27/95
	A8	5,571,401	11/5/96	Lewis *et al.*	205	787	3/27/95
	A9	5,653,859	8/5/97	Parton *et al.*	204	450	1/21/94
	A10	5,683,569	11/4/97	Chung *et al.*	205	775	2/28/96
	A11	5,814,200	9/29/98	Pethig *et al.*	204	547	3/31/94
	A12	5,858,192	1/12/99	Becker *et al.*	204	547	10/18/96
	A13	5,888,370	3/30/99	Becker *et al.*	204	643	2/23/96
	A14	5,965,452	10/12/99	Kovacs	436	149	7/9/96
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	A16	5,993,631	11/30/99	Parton *et al.*	204	547	7/8/97
	A17	5,993,632	11/30/99	Becker *et al.*	204	547	2/1/99
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	A21	6,099,803	8/8/00	Ackley *et al.*	422	68.1	2/20/98
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	A23	6,129,828	10/10/00	Sheldon, III *et al.*	204	518	9/6/96

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See Page 1	*See Page 2*	*See Page 3*

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	A24	6,224,745 B1	5/1/01	Baltruschat	205	775	3/5/98
	A25	6,225,059 B1	5/1/01	Ackley *et al.*	435	6	1/29/99
	A26	6,287,832 B1	9/11/01	Becker *et al.*	435	173.9	9/14/99
	A27	6,294,063 B1	9/25/01	Becker *et al.*	204	450	2/12/99

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	474723	6/25/75	USSR	204	643	
	B2	EP 0513064	11/19/92	Europe			
	B3	EP 0625267	11/23/94	Europe			
	B4	EP 0680380	11/8/95	Europe			
	B5	EP 0691891	1/17/96	Europe			
	B6	EP 0898493	3/3/99	Europe			
	B7	GB 2266153	10/20/93	UK			
	B8	JP 1-196566	8/8/89	Japan			Abstract only
	B9	JP 5-126796	5/21/93	Japan			Abstract only
	B10	JP 6-18523	1/25/94	Japan			Abstract only
	B11	WO 00/69565	11/23/00	PCT			
	B12	WO 90/08759	8/9/90	PCT			
	B13	WO 91/11262	8/8/91	PCT			
	B14	WO 93/16383	8/19/93	PCT			
	B15	WO 93/20927	10/28/93	PCT			
	B16	WO 94/16821	8/4/94	PCT			

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	B17	WO 94/22583	10/13/94	PCT			
	B18	WO 95/13813	5/26/95	PCT			
	B19	WO 96/31282	10/10/96	PCT			
	B20	WO 97/34689	9/25/97	PCT			
	B21	WO 99/62622	12/9/99	PCT			

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	C2	"Diagnostic dielectrophoresis-on-a-chip," *Science/Technology*, 77(8):32, 1999. Article printed from http://pubs.acs.org/hotartcl/cenear/99022/7708scitobox2.html on December26, 2000.
	C3	Allsopp *et al.*, "Impedance technique for measuring dielectrophoretic collection of microbiological particles," *J. Phys. D: Appl. Phys.*, 32:1066-1074, 1999.
	C4	Arnold and Zimmermann, "Rotation of an isolated cell in a rotating electric field," *Naturwissenschaften* 69 297-300, 1982.
	C5	Balachandran *et al.*, "Electrostatic atomization of conducting liquids using AC superimposed on DC fields," *IEEE Transactions on Industry Applications*, 30(4):850-854, 1994.
	C6	Becker *et al.*, "Separation of human breast cancer cells from blood by differential dielectric affinity," *Proc. Natl. Acad. Sci. USA*, 92(3):860-864, 1995.
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	C8	Cheng *et al.*, "Preparation and hybridization analysis of DNA/RNA form E. coli on microfabricated biolectronic chips," *Nature Biotechnology*, 16:541-546, 1998.
	C9	Davis and Giddings, "Feasibility study of dielectrical field-flow fractionation," *Separation Science and Technology*, 21(9):969-989, 1986.

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	C11	El-Kishky and Gorur, "Electric field and energy computation on wet insulating surfaces," *IEEE Transaction on Dielectrics and Electrical Insulation*, 3(4):587-593, 1996.
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	C14	Galicki *et al.*, "Electrohydrodynamic atomization of dielectric fluids," *Conference on Electrical Insulation and Dielectric Phenomena*, IEEE Annual Report, 365-368, 1996.
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	C16	Gascoyne *et al.*, "Cell separation by conventional dielectrophoresis combined with field-flow-fractionation," *Abstract*, 40th Annual Meeting of the Biophysical Society, Baltimore, Maryland, P. A333, Tu-Pos412, February 17-21, 1996.
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	C18	Gascoyne *et al.*, "Dielectrophoretic separation of cancer cells from blood," *IEEE Transactions on Industry Applications.*, 33(3):670-678, 1997.
	C19	Gascoyne *et al.*, "Dielectrophoretic separation of mammalian cells studied by computerized image analysis," *Meas. Sci. Technol.*, 3:439-445, 1992.
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	C22	Gascoyne *et al.*, "Numerical analysis of the influence of experimental conditions on the accuracy of dielectric parameters derived from electrorotation measurements," *Bioelectrochem. Bioenerg.*, 36:115-125, 1994.
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	C24	Gawad *et al.*, "Impedance spectroscopy cell anaylsis in microchannels," *Micro Total Analysis Systems*, 253-255, 2001.
	C25	Gawad *et al.*, "Micronarcined impedance spectroscopy flow cytometer for cell analysis and particle sizing," *Lab on a Chip*, 1:76-82, 2001.
	C26	Giddings, "Field-flow fractionation: analysis of macromolecular, colloidal, and particulate materials," *Science*, 260:1456-1465, 1993.
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	C28	He *et al.*, "Droplet charge-to-mass ratio measurement in an EHD liquid-liquid extraction system," *IEEE Transactions on Industry Applications*, 32(1):146-154, 1996.
	C29	Higashiyama *et al.*, "Behavior of water droplets located on a hydrophobic insulating plate under DC field," *IEEE*, 1808-1813, 1998.
	C30	Hoffman and Britt, "Flow-system measurement of a cell impedance properties," *J. Histochemistry and Cytochemistry*, 27:234-240, 1979.
	C31	Hoffman *et al.*, "Flow cytometric electronic direct current volume and radiofrequency impedance measurments of single cells and particles," *Cytometry*, 1:377-384, 1981.
	C32	Hölzel and Lamprecht, "Dielectric properties of yeast cells as determined by electrorotation," *Biochim. Biophys. Acta* 1104:195-200, 1992.
	C33	Hosokawa *et al.*, "Handling of picoliter liquid samples in a Poly(dimethylsiloxane)-based microfluidic device," *Anal. Chem.*, 71:4781-4785, 1999.
	C34	Huang *et al.*, "Application of AC electrokinetics for cell characterization and manipulation," *Abstract*, 40th Annual Meeting of the Biophysical Society, Baltimore, Maryland, P. A334, Tu-Pos413, February 17-21, 1996.

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	C38	Huang *et al.*, "Introducing dielectrophoresis as a new force field for field-flow fractionation," *Biophys. J.*, 73:1118-1129, 1997.
	C39	Huang *et al.*, "The removal of human breast cancer cells from hematopoietic CD34+ stem cells by dielectrophoretic field-flow-fractionation," *J. of Hematotherapy & Stem Cell Research*, 8(5): 481-490, 1999.
	C40	Huneiti *et al.*, "Harmonic spraying of conducting liquids employing AC-DC electric fields," *IEEE Transactions on Industry Applications*, 34(2):279-285, 1998.
	C41	Jinsart *et al.*, "Inhibition of myosin light chain kinase, cAMP-dependent protein kinase, protein kinase C and of plant CA-dependent protein kinase by antraquinones," *Biological Chemistry*, 373:903-910, 1992.
	C42	Jones and Kallio, 'Dielectrophoretic levitation of spheres and shells,' *J. Electrostat.*, 6:207-224, 1979.
	C43	Jones, Electromechanics of Particles, Cambridge University Press, Cambridge, Chapter 3:34-82, 1995.
	C44	Kashyap and Gratzl, "Electrochemistry in microscopic domains. 1. The electrochemical cell and its voltammetric and amperometric response," *Anal Chem.*, 70:1468-1476, 1998.
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	C46	Lee and Kim, "Liquid micromotor driven by continuous electrowetting," *IEEE*, 538-543, 1998.
	C47	Markx and Pethig, "Dielectrophoretic separation of cells: continuous separation," *Biotechnology and Bioengineering*, 45:337-343, 1995.

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	C50	Metwally, "Electrostatic charging and modeling of aqueous sprays and fission of droplets," *Conference on Electrical Insulation and Dielectric Phenomena*, IEEE Annual Report, 117-120, 1996.
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	C55	Sato *et al.*, "Production of oil/water type uniformly sized droplets using a convergent AC elctric field," *IEEE Transactions on Industry Applications*, 32(1):138-145, 1996.
	C56	Vennard, "Elementary Fluid Mechanics," 150-155, 1954.
	C57	Wang *et al.*, "A theoretical method of electrical field analysis for dielectrophoretic electrode arrays using Green's theorum," *J. Phys. D: Appl. Phys.*, 29:1649-1660, 1996.
	C58	Wang *et al.*, "A Unified theory of dielectrophoresis and travelling wave dielectrophoresis," *J. Phys. D: Appl. Phys.*, 27:1571-1574, 1994.
	C59	Wang *et al.*, "Changes in Friend murine erythroleukaemia cell membranes during induced differentiation determined by electrorotation," *Biochimica et Biophysica Acta*, 1193:330-334, 1994.
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	C61	Wang *et al.*, "Dielectrophoretic manipulation of cells with spiral electrodes," *Biophys. J.*, 72:1887-1899, 1997.
	C62	Wang *et al.*, "Dielectrophoretic manipulation of particles," presented at the instituted for electrical engineers industrial application society meeting, Orlando, FL, October 1995.
	C63	Wang *et al.*, "Non-uniform spatial distributions of both the magnitude and phase of AC electric fields determine dielectrophoretic forces," *Biochim. Biophys. Acta*, 1243(2):185-194, 1995.
	C64	Wang *et al.*, "Particle dipole-dipole interactions in AC electric fields," *Proc. 16th IEEE: Eng. Med. Biol. Soc.*, 774-775, 1994.
	C65	Wang *et al.*, "Relationship of dielectrophoretic and electrorotational behaviour exhibited by polarized particles," *J. Phys. D: Appl. Phys.*, 25:905-912, 1992.
	C66	Wang *et al.*, "Separation of polystyrene microbeads using dielectrophoretic/gravitational field-flow-fractionation," *Biophysical Journal*, 74:2689-2701, 1998.
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	C68	Washizu, "Electrostatic actuation of liquid droplets for microreactor applications," *IEEE Transactions on Industry Applications*, 34(4):732-737, 1998.
	C69	Yang *et al.*, "Cell separation on microfabricated electrodes using dielectrophoretic/gravitational field-flow fractionation," *Analytical Chem.*, 71(5): 911-918, 1999.
	C70	Yeh *et al.*, "Effects of antraquinones of Polygonum cuspidatum on HL-60 cells," *Planta Medica*, 54:413-414, 1988.
	C71	Zborowski *et al.*, "Continuous cell separation using novel magnetic quadrupole flow sorter," *J. Mag. & Mag. Materials*, 194:224-230, 1999.
	C72	Zhang *et al.*, "Sensitization of HER-2/Neu overexpressing non-small cell lung cancer cells to chemotherapeutic drugs by tyrosine kinase inhibitor emodin," *Oncogene*, 12:571-576, 1996.
	C73	Zhang *et al.*, "Suppressed transformation and induced differentiation of HER-2/Neu overexpressing breast cancer cells by emodin," *Cancer Res.*, 55:3890-3896, 1995.
	C74	Co-pending U.S. Patent Application Serial Number 09/882,805 by Peter R.C. Gascoyne *et al.*, filed June 14, 2001.

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EXAMINER:	DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.